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## Workmen's Compensation Decisions

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### WORKMEN'S COMPENSATION DECISIONS

Burden of proving that death was due to electric shock and not to natural causes is upon claimant.—*Hardisty vs. Woodward Iron Co.*, 107 S. 837. (Ala. March, 1926.)

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Employee is not in course of his employment (he was fixing own automobile on premises) though he may be in general area of it.—*Board of Education vs. Industrial Commission*, 151 N. E. 499 (Ill. April, 1926).

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Compensation is recoverable to extent and in proportion to which pre-existing disease is accelerated or aggravated by injury, but evidence held to be insufficient to sustain proof.—*West Side Coal Co. vs. Ind. Com.*, 151 N. E. 593 (Ill. April, 1926).

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That a cold, contracted by exposure of employee while fighting fire on employer's premises, made him more susceptible to pneumonia is not sufficient to justify compensation since the accident must be the proximate cause of death or of disease which causes death.—*Newkirk vs. Mining Co.*, (Colo. April, 1926).

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A timber man who hoisted a car to the top of a gravity road and ran it down the plane to the mine hoist, without authority and without being employed by the mine foreman for that work, as required under the mining laws, is guilty of a misdemeanor, and his widow can not recover compensation for death caused as a result of such unlawful act.—*Pokis vs. Buck Run Coal Co.*, 132 Atl. 795 (Penn. March, 1926).

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Provision of statute to effect that alien parents shall not be entitled to compensation for injury to child held not in conflict with treaty guaranteeing to citizens of each country right of recovery on account of negligence. Benefits under Compensation Law are matters of "agreement and statutory consequences of agreement" and cannot be carried further than statute and contract go.—*Liberto vs. Royer*, 46 U. S. 373 (April, 1926, Penn.)

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### CHANGING OUR CONSTITUTION

Dr. Walter Simons, Chief Justice of the Supreme Court of Germany, referring to the charge, frequently made, that the U. S. Supreme Court is reactionary and unsocial and that its power should, therefore, be curtailed, recently had this to say: "It would be deeply deplorable, in the interests of the healthy progress of the United States, if this movement were crowned with success. If you take the balance wheel out of the machine, the running of the machine will soon become irregular and its